

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LAKEWOOD ESTATES, LLC, et al.,

Plaintiffs,

v.

2010-1 CRE VENTURE, LLC,

Defendant.

CASE NO. C12-6016 BHS

ORDER DENYING PLAINTIFFS'
MOTION FOR A TEMPORARY
RESTRAINING ORDER

This matter comes before the Court on Plaintiffs' motion for a temporary restraining order (Dkt. 2).

On November 30, 2012, Plaintiffs filed a complaint (Dkt. 1) and a motion for a temporary restraining order (Dkt. 2).

Under the Federal Rules of Civil Procedure, no temporary restraining order shall issue unless "the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required." Fed. R. Civ. P. 65(b)(1)(B). Moreover, under the Washington Deeds of Trust Act, no injunction shall issue unless five days

1 notice has been given and the applicant certifies that it will pay to the court the periodic
2 amounts due under the note. RCW 61.24.130.

3 In this case, Plaintiffs have failed (1) to show that proper notice was given, (2) to
4 certify that every effort was made to give notice, and (3) to certify that periodic payments
5 will be made during the duration of the injunction. Therefore, the Court **DENIES** the
6 motion for a temporary restraining order.

7 Plaintiffs also ask for a preliminary injunction, which shall be noted for the fourth
8 Friday after filing the motion. Local Rule CR 7(d)(3). Therefore, the Clerk shall renote
9 this motion for consideration on the Court's December 28, 2012 calendar.

10 **IT IS SO ORDERED.**

11 Dated this 30th day of November, 2012.

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14 BENJAMIN H. SETTLE
15 United States District Judge
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